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APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/695,393 10/29/2003		0/29/2003	Kyung-Geun Lee	1293.1962 6809		
49455	7590	09/05/2006		EXAMINER		
STEIN, MC 1400 EYE ST			BIBBINS, LATANYA			
SUITE 300		••		ART UNIT	PAPER NUMBER	
WASHINGT	ON, DC	20005	2633			

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. E Detentions of time may be evaluate under the provisions of 37 CPR 1.136(i). In no event, however, may a regly be timely filled after SIX (9) MONTHS from the maling date of this communication. of 15 CPR 1.136(i). In no event, however, may a regly be timely filled after SIX (9) MONTHS from the maling date of this communication. Fallware to self-with the provision of the contraction of th		Application No.	Applicant(s)							
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Application/Control Number: 10/695,393

Art Unit: 2633

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-16 and 22-29, drawn to an optical disc, classified in class 369, subclass 275.1.
 - II. Claims 17 and 20, drawn to a method of recording and recording apparatus, classified in class 369, subclass 52.1.
 - III. Claims 18, 19, and 21, drawn to a method of reproducing and a reproducing apparatus, classified in class 369, subclass 44.11.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II-III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as being used with a recording method or apparatus that records tracking polarity and/or reflectivity in the lead-in or data area of the optical disc. See MPEP § 806.05(d).
- 3. Inventions II and I-III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has

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separate utility such as recording on an optical disc that does not have a clamping or lead-in area. See MPEP § 806.05(d).

- 4. Inventions III and I-II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination III has separate utility such as reproducing from an optical disc that does not have a clamping or lead-in area. See MPEP § 806.05(d).
- 5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of an invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaTanya Bibbins whose telephone number is (571) 270-1125. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571 272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LaTanya Bibbins
Patent Examiner

SHANON A. FOLEY ERVISORY PATENT EXAMINER Page 4